

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2001-006342

05/09/2007

HON. GARY E. DONAHOE

CLERK OF THE COURT
N. Kielblock
Deputy

IN RE THE MARRIAGE OF
CYNTHIA LEE THIMMESCH

TERI D MCCALL

AND

PETER ALLAN THIMMESCH

PETER ALLAN THIMMESCH
11337 STONEHOUSE PLACE
POTOMAC FALLS VA 20165

JOHN J TOMA PH D
2345 E THOMAS RD STE 275
PHOENIX AZ 85016

MINUTE ENTRY

Pending before the Court are Father's "Motion for Expedited Ruling for Extended Summer Access for 2007" and Father's "Motion to Vacate Orders Re: Contempt Hearing." Also pending is a decision regarding the orders that were proposed in the Court's March 14, 2007 minute entry. The Court has considered the pleadings and the information provided by the children.

IT IS HEREBY ORDERED denying Father's "Motion to Vacate Orders Re: Contempt Hearing." As noted in the minute entry setting the contempt hearing, it was obvious from speaking to the children that Father violated this Court's order not to discuss the proposed summer access schedule with the children prior to it being finalized. Father admits as much in his current motion. The hearing will proceed to determine the appropriate sanction.

Regarding Father's "Motion for Expedited Ruling for Extended Summer Access for 2007,"

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IT IS FURTHER ORDERED that each and every year, Father's summer parenting time shall begin seven days after the last day of school and shall end seven days before the first day of school. The children's flight to and from Father's home shall occur on those seventh days. Flights shall be arranged so that the children do not depart earlier than 7:30 a.m. or arrive later than 10:00 p.m.

IT IS FURTHER ORDERED that in addition to the summer access schedule set forth above, the following holiday parenting time schedule shall be followed:

1. **Thanksgiving:** Father shall have parenting time with both children together in odd-numbered years with the children flying to Father's home after school on the Tuesday before Thanksgiving and returning on Saturday no later than 10:00 p.m.
2. **Winter Break:** Father shall have parenting time with both children together during the second half of the winter break every year. The children shall fly to Father's home no earlier than 7:30 a.m. on December 26th and return on January 2nd by 10:00 p.m.
3. **Spring Break:** Father shall have parenting time with both children together in even-numbered years with the children flying to Father's home no earlier than 7:30 a.m. on the Saturday following the last day of school and returning to Phoenix the following Friday by 10:00 p.m.

IT IS FURTHER ORDERED that if Father is current in his child support and spousal maintenance payments on the date scheduled for travel, the reasonable round-trip airfare for the children shall be paid 15% by Mother and 85% by Father. If Father is not current in his support payments at the time of travel, Father shall pay 100% of the airfare. Any request for reimbursement from Mother shall be paid within thirty days of receipt of proof of the airfare incurred by Father.

IT IS FURTHER ORDERED that Father shall cease sending forms about his parenting time to Mother to sign.

IT IS FURTHER ORDERED that parents are to keep litigation documents and e-mails between parents in a secure place and not allow the children access to any documents or e-mails at any time. If a child has access to a computer that contains an e-mail account or folder used for communication between the parents, the e-mail account or folder shall be password protected so that a child may not access it.

IT IS FURTHER ORDERED that there shall be no non-emergency telephone contact between the parents except when answering a phone call to one of the children.

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IT IS FURTHER ORDERED that each party shall be limited to one e-mail about a particular and specific subject if the parties are in disagreement.

IT IS FURTHER ORDERED denying Father's request that the Court reconsider a portion of the January 2, 2007 order.

Father is correct when he writes that the Court is "trying to create boundaries to ward off potential flash points for conflict." (The above orders, including fixing the summer access and holiday schedule, may help.) However, this Judge almost laughed out loud when reading Father's statement that "[i]t is just not true" that "the Parents are fighting all the time and in conflict." This case has consumed more of this Court's time than any other case of the hundreds of cases on the Court's docket. While Father may believe that the parents are not in conflict, that certainly is not the children's perception and it is that perception that is of utmost importance. So, the following additional order is made in hope that it will become each parent's prime directive, the one adhered to strictly. It has many derivatives. One that comes to mind is from the *Torah* – a word is worth one coin, silence is worth two.

IT IS FURTHER ORDERED that the following rule shall be followed at all times by both parents:

**If you can't say something nice about the other parent,
you are not to say anything at all.**

IT IS FURTHER ORDERED that all prior orders not inconsistent with these orders remain in effect.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/s/ GARY E. DONAHOE

JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.